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TECH CENTER 1600/2900 Docket No. 20410-7001

**Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):**

[X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

[ ] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner \_\_\_\_\_ at Facsimile No. \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

Dated: January 10, 2002

Name of Person Certifying: Nancy Hine  
Printed Name: Nancy Hine

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Carl Alexander Kamb	Assignee:	Arcaris, Inc.
Filing Date:	August 23, 2001	Examiner:	Not Assigned
Serial No.:	09/935,929	Group Art Unit:	Not Assigned
Title:	Methods for Identifying, Characterizing and Evolving Cell-Type Specific CIS Regulatory Elements		

Assistant Commissioner for Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application.

**I. Timing of the Information Disclosure Statement:**

This Information Disclosure Statement is filed:

- ☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.
- ☒ Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-1193 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

This Information Disclosure Statement is filed:

- ☐ After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and the Commissioner is hereby authorized to charge Deposit Account No. [ ] for the fee (\$180) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

This Information Disclosure Statement is filed:

- ☐ After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.

The undersigned certifies that:

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

## II. Copies of the Cited Items:

- ☐ Copies of all of the items listed on the attached Form PTO-1449 are enclosed.
- ☐ Copies of only the following items listed on the attached Form PTO-1449 are enclosed: \_\_\_\_\_.
- ☒ Copies of those items which are marked with an asterisk (\*) in the attached Form PTO-1499 are not supplied because they were previously cited by or submitted to the Patent Office in a prior Application No. 08/800,664, filed February 14, 1997 and relied upon in this application for an earlier filing date under 35 U.S.C § 120. See 37 C.F.R. § 1.98(d).

- ☐ Copies of those items which are marked with an asterisk (\*\*) in the attached Form PTO-1499 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

**III. Concise Explanation of Relevance:**

- ☒ A concise explanation of relevance of the items listed on Form PTO-1449 is not given.
- ☐ A concise explanation of relevance of the items listed on Form PTO-1449 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

**IV. Conclusion:**

Citation of the above documents shall not be construed as:

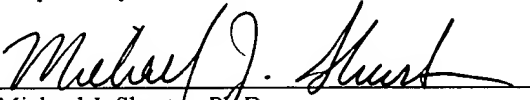
1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks.

The Commissioner is hereby authorized to charge Deposit Account No. 50-1193 Docket No. 20410-7001 for any additional fees required in connection with the filing of this Information Disclosure Statement.

DATE: January 10, 2002

Respectfully submitted,

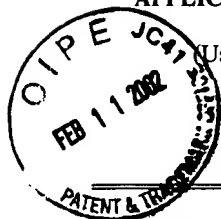
By:   
Michael J. Shuster, Ph.D.  
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FORM PTO-1449 (Modified)

**LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT(S)' INFORMATION DISCLOSURE  
STATEMENT**

(Use several sheets if necessary)



**ATTY. DOCKET NO.**

20410-7001 US

**SERIAL NO.**

09/935,929

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**APPLICANT**

Kamb, et al.

**FILING DATE**

August 23, 2001

**GROUP ART UNIT:**

**REFERENCE DESIGNATION U.S. PATENT DOCUMENTS**

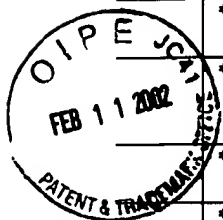
EXAM'R INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	Subclass	Filing Date f Appropriate
	*A1	5,945,276	08/31/99	Wu et al.			
	*A2	5,928,888	07/27/99	Whitney			
	*A3	5,569,588	10/29/96	Ashby, et al.			
	*A4	5,491,084	02/13/96	Chalfie, et al.			
	*A5	5,364,783	11/15/94	Ruley et al.			
	*A6	5,283,173	02/01/94	Fields, et al.			

**FOREIGN PATENT DOCUMENTS**

EXAM'R INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	Subclass	TRANSLAT'N	
							yes	no
	*B1	WO 98/07886	02/26/98	PCT				
	*B2	WO 97/48820	12/24/97	PCT				
	*B3	WO 97/27212	07/31/97	PCT				
	*B4	WO 97/20078	06/05/97	PCT				
	*B5	WO 95/19988	07/27/95	PCT				
	*B6	WO 95/16694	06/22/95	PCT				
	*B7	WO93/10245	05/27/93	PCT				
	*B8	WO 93/08701	05/13/93	PCT				

**OTHER ART (Include Author, Title, Date, Pertinent Pages, etc.)**

	*C1	Alberts B., Bray D., et al. (Eds.), <i>Molecular Biology of the Cell</i> , Chapter 10, Control of Gene Expression, Second Edition, Garland Publishing, Inc., New York and London, (1989), pp. 551-599.
	*C2	Baillie, Rebecca A., et al., "Transient transfection of chick-embryo hepatocytes," <i>J Nutr. Biochem</i> 4:431-439 (July 1993)
	*C3	Bellen H.J., O'Kane C.J., et al., "P-element-mediated Enhancer Detection: A Versatile Method to Study Development in Drosophila," <i>Genes Dev.</i> 3: 1288-1300 (1989)
	*C4	Chalfie M., Tu Y, et al., "Green Fluorescent Protein as a Marker for Gene Expression," <i>Science</i> Feb. 11; 263 :802-805 (1994)
	*C5	Cormack B.P., Valdivia R.H., and Falkow S., "FACS-Optimized Mutants of the Green Fluorescent Protein (GFP)," <i>Gene</i> 173: 33-38 (1996)
	*C6	Cornwell, Richard D., et al., "Description of the leukocyte function-associated antigen 1 (LFA-1 or CD11a) promoter," <i>Proceedings of the National Academy of Sciences of the United States of America</i> , 90:4221-4225 (May 1993)
	*C7	Fieck A., Wyborski D.L., and Short J.M., "Modifications of the E.Coli Lac Repressor for Expression in Eukaryotic cells: Effects of Nuclear Signal Sequences on Protein Activity and Nuclear Accumulation," <i>Nucleic Acids Res.</i> 20: 1785 (1992)



*C8	Hanahan D., "Heritable Formation of Pancreatic $\beta$ -Cell Tumours in Transgenic Mice Expressing Recombinant Insulin/Simian Virus 40 Oncogenes," <i>Nature</i> May 11; 20: 2233-2239 (1985)
*C9	Harrison R.W., and Miller J.C., "Functional Identification of Genes Up- and Down-Regulated by Glucocorticoids in AtT-20 Pituitary Cells Using an Enhancer Trap," <i>Endocrinology</i> Jul; 137:2758-2765 (1996)
*C10	Koh J., Enders G.H., <i>et al.</i> , "Tumour-Derived p16 Alleles Encoding Proteins Defective in Cell-Cycle Inhibition," <i>Nature</i> 375: 506-510 (1995)
*C11	Kozak M., "Point Mutations Define a Sequence Flanking the AUG Initiator Codon That Modulates Translation by Eukaryotic Ribosomes," <i>Cell</i> Jan 31; 44: 283-292 (1986)
*C12	Iida A., Chen S.T., <i>et al.</i> , "Inducible Gene Expression by Retrovirus-Mediated Transfer of a Modified Tetracycline-Regulated System," <i>J. Virol</i> 70: 6054-6059(1996)
*C13	Myers RM, Tilly K, and Maniatis T., "Fine Structure Genetic Analysis of a $\beta$ -Globin Promoter," <i>Science</i> 232: 613-618 (1986)
*C14	Ross J., "mRNA Stability in Mammalian Cells," <i>Microbiol. Rev.</i> : 423-450 (1995)
*C15	Simmons D., and Seed B. "Isolation of a cDNA Encoding CD33, a Differentiation Antigen of Myeloid Progenitor Cells," <i>J Immunol</i> 141: 2797-2800 (1988)
*C15	Valdivia, Raphael H. and Falkow, Stanley, "Bacterial Genetics By Flow Cytometry: Rapid Isolation Of <i>Salmonella typhimurium</i> Acid-inducible Promoters By Differential Fluorescence Induction," 1996 Blackwell Science Ltd., <i>Molecular Microbiology</i> , 22(2), pp. 367-378.
*C16	Wasylyk B., Wasylyk C., and Chambon P., "Short and Long Range Activation by the SV 40 Enhancer," <i>Nucleic Acids Res.</i> Jul 25; 12: 5589-5608 (1984)
*C17	Wilkinson G.W., and Akrigg A., "Constitutive and Enhanced Expression from the CMB Major IE Promoter in a Defective Adenovirus Vector," <i>Nucleic Acids Res.</i> May 11; 20: 2233-2239 (1992)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance *and* not considered. Include copy of this form with next communication to Applicant(s).

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